

# HOUSE BILL No. 1927

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-2.5-11; IC 22-11-14.

**Synopsis:** Sale of fireworks. Permits common fireworks to be sold at retail for use within the state by an interstate retailer. Provides that a supervisor at a temporary stand for the retail sale of fireworks must be at least 18 years of age. Provides that it is a Class A misdemeanor to sell common fireworks to a minor. Provides that a person less than 18 years of age who purchases, accepts, possesses, or uses certain fireworks commits a Class C misdemeanor. Provides that a city, county, or town may adopt an ordinance concerning fireworks that includes partial or total bans of common fireworks. Provides for a common firework excise tax of 5% to be collected on sales of common fireworks, and to be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected. Provides that the county auditor shall distribute the common firework excise tax among the taxing units of the county, with certain exceptions.

**Effective:** Upon passage.

## Crooks

January 17, 2001, read first time and referred to Committee on Commerce, Economic Development and Technology.



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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1927

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 6-2.5-11 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]:

4       **Chapter 11. Common Firework Tax**

5       **Sec. 1.** As used in this chapter, "common firework" has the  
6 meaning set forth in IC 22-11-14-1, but does not include novelties  
7 and trick noisemakers as set forth in that definition.

8       **Sec. 2.** As used in this chapter, "firework tax" refers to the  
9 excise tax imposed by section 9 of this chapter.

10       **Sec. 3.** As used in this chapter, "gross retail income" has the  
11 meaning set forth in IC 6-2.5-1-5.

12       **Sec. 4.** As used in this chapter, "legislative body" has the  
13 meaning set forth in IC 36-1-2-9.

14       **Sec. 5.** As used in this chapter, "municipality" has the meaning  
15 set forth in IC 36-1-2-11.

16       **Sec. 6.** As used in this chapter, "person" has the meaning set  
17 forth in IC 6-2.5-1-3.

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1       Sec. 7. As used in this chapter, "retail merchant" has the  
2 meaning set forth in IC 6-2.5-1-8.

3       Sec. 8. As used in this chapter, "taxing unit" has the meaning set  
4 forth in IC 6-1.1-1-21.

5       Sec. 9. (a) An excise tax is imposed on a transaction in which a  
6 common firework is furnished by a retail merchant for a  
7 consideration.

8       (b) The firework tax imposed by subsection (a) does not apply  
9 to the furnishing of a common firework in a transaction that is  
10 exempt, or to the extent exempt, from the state gross retail tax  
11 imposed by this article.

12       Sec. 10. The firework tax is five percent (5%) of the gross retail  
13 income received by a retail merchant from a transaction described  
14 in section 9 of this chapter. For purposes of this chapter, the gross  
15 retail income received by the retail merchant from the transaction  
16 does not include the amount of tax imposed on the transaction  
17 under this article.

18       Sec. 11. A person who acquires a common firework under a  
19 transaction described in section 9 of this chapter is liable for the  
20 firework tax. The person shall pay the firework tax to the retail  
21 merchant as a separate amount added to the consideration for the  
22 common firework. The retail merchant shall collect the firework  
23 tax as an agent for the state.

24       Sec. 12. (a) The firework tax shall be imposed, paid, and  
25 collected in the same manner that the state gross retail tax is  
26 imposed, paid, and collected under this article.

27       (b) Each retail merchant filing a return for the firework tax  
28 shall indicate in the return:

29       (1) all locations in Indiana where the retail merchant collected  
30 firework taxes; and

31       (2) the amount of firework tax collected at each location.

32       (c) The department of state revenue shall determine whether the  
33 return to be filed for the payment of the firework tax must be:

34       (1) a separate return; or

35       (2) combined with the return filed for the payment of the state  
36 gross retail tax.

37       Sec. 13. (a) All revenues collected from the firework tax shall be  
38 deposited in a special account of the state general fund called the  
39 common firework excise tax account.

40       (b) On or before May 20 and November 20 of each year, all  
41 amounts held in the common firework excise tax account shall be  
42 distributed to the county treasurers of Indiana.



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1 (c) The amount to be distributed to a county treasurer equals  
2 that part of the total firework taxes being distributed that were  
3 initially imposed and collected from within that treasurer's county.  
4 The department shall notify each county auditor of the amount of  
5 firework taxes to be distributed to the county treasurer. At the  
6 same time each distribution is made to a county treasurer, the  
7 department shall certify to the county auditor each taxing district  
8 within the county where firework taxes were collected and the  
9 amount of the county distribution that was collected with respect  
10 to each taxing district.

11 (d) The county treasurer shall deposit firework tax collections  
12 into a separate account for settlement at the same time as property  
13 taxes are accounted for and settled in June and December of each  
14 year.

15 (e) Except as provided in subsection (f), the county auditor shall  
16 apportion, and the county treasurer shall distribute, the firework  
17 taxes among the taxing units of the county in the same manner that  
18 property taxes are apportioned and distributed with respect to  
19 property located in the taxing district where the firework tax was  
20 initially imposed and collected. The firework taxes distributed to  
21 a taxing unit shall be allocated among the taxing unit's funds in the  
22 same proportions that the taxing unit's property tax collections are  
23 allocated among those funds.

24 (f) If the legislative body of a municipality or a county has  
25 adopted an ordinance under IC 22-11-14-11 regarding common  
26 fireworks that is more stringent or detailed than the regulations set  
27 forth in IC 22-11-14, the municipality or county may not receive  
28 distribution of the firework tax in the manner set forth in  
29 subsection (e). If a municipality or county is not entitled to a  
30 portion of the firework tax for this reason, the county treasurer  
31 shall distribute that portion of the firework tax attributable to that  
32 municipality or county among the eligible taxing units of the  
33 county in the same manner that property taxes are apportioned  
34 and distributed.

35 (g) Taxing units of a county may request and receive advances  
36 of common firework excise tax revenues in the manner provided  
37 under IC 5-13-6-3.

38 (h) All distributions from the common firework excise tax  
39 account shall be made by warrants issued by the auditor of state to  
40 the treasurer of state ordering those payments to the appropriate  
41 county treasurer.

42 (i) Taxing units shall use the distributions from the common

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1 firework excise tax account for fire protection and prevention  
2 purposes.

3 (j) The firework tax revenue received by a taxing unit under this  
4 chapter shall be treated by the taxing unit as additional revenue for  
5 the purpose of setting its budget for the year during which the tax  
6 revenue is received.

7 SECTION 2. IC 22-11-14-1 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this  
9 chapter:

10 "Auto burglar alarm" means a tube that contains pyrotechnic  
11 composition that produces a loud whistle or smoke when ignited. A  
12 small quantity of explosive, not exceeding fifty (50) milligrams, may  
13 also be used to produce a small report. A squib is used to ignite the  
14 device.

15 "Booby trap" means a small tube with string protruding from both  
16 ends, similar to a party popper in design. The ends of the string are  
17 pulled to ignite the friction sensitive composition, producing a small  
18 report.

19 "Chaser" means a device, containing fifty (50) milligrams or less of  
20 explosive composition, that consists of a small paper or cardboard tube  
21 that travels along the ground upon ignition. A whistling effect is often  
22 produced, and a small noise may be produced.

23 "Cigarette load" means a small wooden peg that has been coated  
24 with a small quantity of explosive composition. Upon ignition of a  
25 cigarette containing one of the pegs, a small report is produced.

26 "Common firework" means a small firework that is designed  
27 primarily to produce visible effects by combustion, and that is required  
28 to comply with the construction, chemical composition, and labeling  
29 regulations promulgated by the United States Consumer Product Safety  
30 Commission under 16 CFR 1507. The term also includes some small  
31 devices designed to produce an audible effect, such as whistling  
32 devices, ground devices containing fifty (50) milligrams or less of  
33 explosive composition, and aerial devices containing one hundred  
34 thirty (130) milligrams or less of explosive composition. Propelling or  
35 expelling charges consisting of a mixture of charcoal, sulfur, and  
36 potassium nitrate are not considered as designed to produce an audible  
37 effect. Common fireworks:

38 (1) include:

39 (A) ground and hand-held sparkling devices, which include  
40 dipped ~~stick~~, **sticks**, certain wire sparklers, cylindrical  
41 fountains, cone fountains, illuminating torches, wheels, ground  
42 spinners, and flutter sparklers;

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- 1 (B) aerial devices, which include sky rockets, missile-type  
 2 rockets, helicopter or aerial spinners, roman candles, mines,  
 3 and shells;  
 4 (C) ground audible devices, which include firecrackers,  
 5 salutes, and chasers; and  
 6 (D) firework devices containing combinations of two (2) or  
 7 more of the effects described in the preceding three (3)  
 8 clauses; and  
 9 (2) do not include the following novelties and trick noisemakers:  
 10 (A) Snakes or glow worms.  
 11 (B) Smoke devices.  
 12 (C) Wire sparklers which contain no magnesium and which  
 13 contain less than one hundred (100) grams of composition per  
 14 item.  
 15 (D) Trick noisemakers, which include party poppers, booby  
 16 traps, snappers, trick matches, cigarette loads, and auto burglar  
 17 alarms.  
 18 "Cone fountain" means a cardboard or heavy paper cone which  
 19 contains up to fifty (50) grams of pyrotechnic composition, and which  
 20 produces the same effect as a cylindrical fountain.  
 21 "Cylindrical fountain" means a cylindrical tube not exceeding  
 22 three-quarters (3/4) inch in inside diameter and containing up to  
 23 seventy-five (75) grams of pyrotechnic composition. Fountains produce  
 24 a shower of color and sparks upon ignition, and sometimes a whistling  
 25 effect. Cylindrical fountains may contain a spike to be inserted in the  
 26 ground (spike fountain), a wooden or plastic base to be placed on the  
 27 ground (base fountain), or a wooden handle or cardboard handle for  
 28 items designed to be hand-held (handle fountain).  
 29 "Dipped stick" or "wire sparkler" means a common firework that  
 30 consists of a stick or wire coated with pyrotechnic composition that  
 31 produces a shower of sparks upon ignition. Total pyrotechnic  
 32 composition does not exceed one hundred (100) grams per item. Those  
 33 devices containing chlorate or perchlorate salts do not exceed five (5)  
 34 grams in total composition per item. Wire sparklers which contain no  
 35 magnesium and which contain less than one hundred (100) grams of  
 36 composition per item are not included in the category of common  
 37 fireworks.  
 38 "Distributor" means a person who sells fireworks to wholesalers and  
 39 retailers for resale.  
 40 "Explosive composition" means a chemical or mixture of chemicals  
 41 that produces an audible effect by deflagration or detonation when  
 42 ignited.

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"Firecracker" or "salute" is a device that consists of a small paper-wrapped or cardboard tube containing not more than fifty (50) milligrams of pyrotechnic composition and that produces, upon ignition, noise, accompanied by a flash of light.

"Firework" means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of common fireworks and special fireworks. The following items are excluded from the definition of fireworks:

- (1) Model rockets.
- (2) Toy pistol caps.
- (3) Emergency signal flares.
- (4) Matches.
- (5) Fixed ammunition for firearms.
- (6) Ammunition components intended for use in firearms, muzzle loading cannons, or small arms.
- (7) Shells, cartridges, and primers for use in firearms, muzzle loading cannons, or small arms.
- (8) Indoor pyrotechnics special effects material.

"Flitter sparkler" means a narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. These devices do not use a fuse for ignition, but rather are ignited by igniting the paper at one (1) end of the tube.

"Ground spinner" means a small spinning device which is similar to wheels in design and effect when placed on the ground and ignited, and which produces a shower of sparks and color when spinning.

"Helicopter" or "aerial spinner" is a spinning device:

- (1) that consists of a tube up to one-half (1/2) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition;
- (2) to which some type of propeller or blade device is attached; and
- (3) that lifts into the air upon ignition, producing a visible or audible effect at the height of flight.

"Illuminating torch" means a cylindrical tube that:

- (1) contains up to one hundred (100) grams of pyrotechnic composition;
- (2) produces, upon ignition, a colored fire; and
- (3) is either a spike, base, or handle-type device.

"Importer" means:

- (1) a person who imports fireworks from a foreign country; or
- (2) a person who brings or causes fireworks to be brought within

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1 this state for subsequent sale.

2 "Indoor pyrotechnics special effects material" means a chemical  
3 material that is clearly labeled by the manufacturer as suitable for  
4 indoor use (as provided in National Fire Protection Association  
5 Standard 1126 (1992 edition)).

6 "Interstate wholesaler" means a person who is engaged in interstate  
7 commerce selling fireworks not approved for sale in Indiana.

8 "Manufacturer" means a person engaged in the manufacture of  
9 fireworks.

10 "Mine" or "shell" means a device that:

11 (1) consists of a heavy cardboard or paper tube up to two and  
12 one-half (2 1/2) inches in inside diameter, to which a wooden or  
13 plastic base is attached;

14 (2) contains up to forty (40) grams of pyrotechnic composition;  
15 and

16 (3) propels, upon ignition, stars (pellets of pressed pyrotechnic  
17 composition that burn with bright color), whistles, parachutes, or  
18 combinations thereof, with the tube remaining on the ground.

19 "Missile-type rocket" means a device that is similar to a sky rocket  
20 in size, composition, and effect, and that uses fins rather than a stick for  
21 guidance and stability.

22 "Party popper" means a small plastic or paper item containing not  
23 more than sixteen (16) milligrams of explosive composition that is  
24 friction sensitive. A string protruding from the device is pulled to ignite  
25 it, expelling paper streamers and producing a small report.

26 "Person" means an individual, an association, an organization, a  
27 limited liability company, or a corporation.

28 "Pyrotechnic composition" means a mixture of chemicals that  
29 produces a visible or audible effect by combustion rather than  
30 deflagration or detonation. Pyrotechnic compositions will not explode  
31 upon ignition unless severely confined.

32 "Retail sales stand" means a temporary business site or location  
33 where goods are to be sold.

34 "Retailer" means a person who purchases fireworks for resale to  
35 consumers.

36 "Roman candle" means a device that consists of a heavy paper or  
37 cardboard tube not exceeding three-eighths (3/8) inch in inside  
38 diameter and that contains up to twenty (20) grams of pyrotechnic  
39 composition. Upon ignition, up to ten (10) "stars" (pellets of pressed  
40 pyrotechnic composition that burn with bright color) are individually  
41 expelled at several-second intervals.

42 "Sky rocket" means a device that:

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- (1) consists of a tube that does not exceed one-half (1/2) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition;
- (2) contains a wooden stick for guidance and stability; and
- (3) rises into the air upon ignition, producing a burst of color or noise at the height of flight.

"Smoke device" means a tube or sphere containing pyrotechnic composition that produces white or colored smoke upon ignition as the primary effect.

"Snake" or "glow worm" means a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices do not contain mercuric thiocyanate.

"Snapper" means a small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

"Special fireworks" means fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, including firecrackers containing more than one hundred thirty (130) milligrams of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic composition, and other exhibition display items that exceed the limits for classification as common fireworks.

"Trick match" means a kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

"Trick noisemaker" means an item that produces a small report intended to surprise the user.

"Wheel" means a pyrotechnic device that:

- (1) is attached to a post or tree by means of a nail or string;
- (2) contains up to six (6) driver units (tubes not exceeding one-half (1/2) inch in inside diameter) containing up to sixty (60) grams of composition per driver unit; and
- (3) revolves, upon ignition, producing a shower of color and sparks and sometimes a whistling effect.

"Wholesaler" means a person who purchases fireworks for resale to retailers.

SECTION 3. IC 22-11-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Nothing in this chapter shall be construed to prohibit:

- (1) any ~~resident~~ wholesaler, manufacturer, importer, or distributor from selling

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- 1           ~~(A) at wholesale fireworks not prohibited by this chapter; or~~  
2           ~~(B) fireworks not approved for sale in Indiana if they are to be~~  
3           ~~shipped directly out of state within five (5) days of the date of~~  
4           ~~sale;~~  
5           (2) the use of fireworks by railroads or other transportation  
6           agencies for signal purposes or illumination;  
7           (3) the sale or use of blank cartridges for:  
8                (A) a show or theater;  
9                (B) signal or ceremonial purposes in athletics or sports; or  
10              (C) use by military organizations;  
11           (4) the intrastate sale of fireworks not approved for sale in Indiana  
12           between interstate wholesalers;  
13           (5) the possession, sale, or disposal of fireworks, incidental to the  
14           public display of Class B fireworks, by wholesalers or other  
15           persons who possess a permit to possess, store, and sell Class B  
16           explosives from the Bureau of Alcohol, Tobacco and Firearms,  
17           United States Department of the Treasury; or  
18           (6) the use of indoor pyrotechnics special effects material before  
19           an indoor or outdoor proximate audience.  
20           ~~(b) For the purposes of this section, a resident wholesaler, importer,~~  
21           ~~or distributor, is a person who:~~  
22                (1) is a resident of Indiana;  
23                (2) possesses for resale common fireworks approved or not  
24                approved for sale in Indiana;  
25                (3) is engaged in the interstate sale of common fireworks  
26                described in subdivision (2) as an essential part of a business that  
27                is located in a permanent structure and is open at least six (6)  
28                months each year;  
29                (4) sells common fireworks described in subdivision (2) only to  
30                purchasers who provide a written and signed assurance that the  
31                fireworks are to be shipped out of Indiana within five (5) days of  
32                the date of sale; and  
33                (5) has possession of a certificate of compliance issued by the  
34                state fire marshal under section 5 of this chapter.  
35           ~~(c) A purchaser may not provide a written and signed assurance that~~  
36           ~~the fireworks purchased are to be shipped out of Indiana and then sell~~  
37           ~~or use them in Indiana.~~  
38           **(b) A retailer may sell common fireworks at retail, subject to**  
39           **section 7 of this chapter.**  
40           SECTION 4. IC 22-11-14-6 IS AMENDED TO READ AS  
41           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A person who  
42           violates section 4~~(e)~~, 5(c), 5(d), 7, or 8 **8(a)** of this chapter commits a

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Class A misdemeanor.

SECTION 5. IC 22-11-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A retailer selling fireworks at one (1) or more temporary stands must obtain a fireworks ~~stand~~ retail **stand** sales permit, referred to in this section as a "permit", from the state fire marshal.

(b) An application for a permit must be made before June 1 of each year and must require that at least the following information be supplied by the retailer:

(1) The retailer's retail merchant certificate number or proof of application for a certificate number.

(2) The location of each **retail sales** stand.

The state fire marshal shall, within seven (7) days after the receipt of an application for a permit, either issue the permit or notify the applicant of the denial of the permit.

(c) The retailer must pay to the state fire marshal an annual permit fee set under IC 22-12-6-8. If the state fire marshal approves an application for a permit, he shall issue a permit to the retailer. The permit expires one (1) year after the date of issuance.

(d) The permit shall be posted by the retailer at the **retail sales** stand so that it is easily seen by the public. However, the state fire marshal's issuance of a permit does not constitute approval of the fireworks offered for sale by the retailer. The retailer is responsible for determining that all fireworks which he offers for sale conform to applicable law.

(e) At each stand, the retailer shall provide:

(1) a posted certificate of compliance (including a descriptive list of approved fireworks) **that includes fireworks permitted to be sold under section 11 of this chapter; and**

(2) a supervisor who is at least ~~sixteen (16)~~ **eighteen (18)** years of age.

(f) Fireworks may not be sold at retail from trucks, ~~vans, or automobiles;~~ **passenger motor vehicles, or vehicles.**

SECTION 6. IC 22-11-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** A person shall not **knowingly** sell at retail ~~or offer for sale at retail;~~ **to a person who is less than eighteen (18) years of age** any fireworks, novelties, or trick noisemakers other than the following:

(1) ~~Dipped sticks or~~ Wire sparklers. ~~However,~~ Total pyrotechnic composition may not exceed one hundred (100) grams per item. ~~Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.~~

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- ~~(2) Cylindrical fountains.~~
- ~~(3) Cone fountains.~~
- ~~(4) Illuminating torches.~~
- ~~(5) Wheels.~~
- ~~(6) Ground spinners.~~
- ~~(7) Flitter sparklers.~~
- ~~(8) (2) Snakes or glow worms.~~
- ~~(9) (3) Smoke devices.~~
- ~~(10) (4) Trick noisemakers, which include:~~
  - (A) Party poppers.
  - (B) Booby traps.
  - (C) Snappers.
  - (D) Trick matches.
  - (E) Cigarette loads.
  - (F) Auto burglar alarms.

**(b) The following defenses are available to a person accused of selling fireworks other than those set forth in subsection (a) to a person who is less than eighteen (18) years of age:**

- (1) The buyer or recipient produced a driver's license bearing the purchaser's or recipient's photograph, showing that the purchaser or recipient was of legal age to make the purchase.**
- (2) The buyer or recipient produced a photographic identification card issued under IC 9-24-16-1, or a similar card issued under the laws of another state or the federal government, showing that the purchaser or recipient was of legal age to make the purchase.**

**(c) A person less than eighteen (18) years of age who:**

- (1) purchases fireworks other than those set forth in subsection (a);**
- (2) accepts fireworks other than those set forth in subsection (a);**
- (3) possesses fireworks other than those set forth in subsection (a); or**
- (4) uses fireworks other than those set forth in subsection (a);**

**commits a Class C misdemeanor.**

**(d) It is a defense under subsection (c) that the accused person accepted or possessed fireworks in the ordinary course of employment in a business concerning fireworks.**

SECTION 7. IC 22-11-14-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The state fire marshal is charged with the responsibility of enforcing **sections 2, 3, 5, 7, and 10** of this chapter.



SECTION 8. IC 22-11-14-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each interstate wholesaler shall keep a record of each sale of fireworks not approved for sale in Indiana. This record must include:

- (1) the purchaser's name;
- (2) the purchaser's address; and
- (3) the date of the sale.

These records shall be kept for three (3) years and be available for inspection by the fire marshal.

(b) Each resident wholesaler shall post in a prominent location in the wholesaler's place of business a sign that reads as follows:

"Under Indiana law, a resident wholesaler of fireworks may sell fireworks not approved for sale in Indiana only to other resident wholesalers and to purchasers who provide a written and signed assurance that the fireworks are to be shipped out of Indiana within five (5) days of the date of sale. A purchaser who provides a written and signed assurance that fireworks purchased are to be shipped out of Indiana within five (5) days of the date of sale and who then sells the fireworks in Indiana or uses them in Indiana commits a Class A misdemeanor, which is punishable by imprisonment for up to one (1) year and a fine of up to five thousand dollars (\$5,000)."

The state fire marshal shall provide interstate wholesalers with signs for the purposes of this subsection.

SECTION 9. IC 22-11-14-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. A municipality (as defined in IC 36-1-2-11) or a county may adopt an ordinance concerning fireworks that includes more stringent or detailed requirements than those set forth in this chapter, including partial or total bans of common fireworks.

SECTION 10. An emergency is declared for this act.

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